

Hon. Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT RYAN POWELL,

Defendant.

No. CR15-244RAJ

ORDER ON DEFENDANT'S
MOTION FOR
RECONSIDERATION

I. INTRODUCTION

This matter comes before the court on the defendant's motion for reconsideration of this court's February 10, 2016 (Dkt. #111) and May 3, 2016 (Dkt. # 164) orders. For the reasons stated herein, the court GRANTS in part and DENIES in part defendant's motion.

II. DISCUSSION

Local Criminal Rule 12(b)(10) provides:

Reconsideration of Motions.

(A) Standards. Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.

1 The basis for the defendant's motion for reconsideration is a claim of newly-
2 discovered evidence, namely a supplemental report of case agent Detective Maurice
3 Washington that was not produced to the defendant until May 20, 2016. The
4 government does not dispute the defendant's representation as to when this report
5 was produced. For this reason the court will consider the defendant's motion.

6 The court generally refers the parties to the court's prior orders on the same
7 issues as raised by the defendant regarding his proposed cross-examination of B.M.
8 The court reaffirms those determinations with a minor modification. The defendant
9 shall be permitted to cross-examine B.M. regarding her alleged false statement that
10 she wanted to go to California to visit her brother. If she admits that she lied about
11 why she wanted to go to California, no further cross-examination of her is permitted
12 on this issue. If she denies that she lied, she may be impeached through examination
of Detective Washington.


13 The court reaffirms all other aspects of its prior orders on this matter for the
14 reasons stated in the above-referenced orders. Moreover, the defendant has not
15 alleged nor shown the court committed manifest error in its prior rulings.

16 Consequently, once again, the court orders that Rule 412 prohibits examining
17 B.M. or Detective Washington about whether B.M. intended to go to California for
18 purposes of prostitution, whether she posted Backpage.com ads in California, or
19 whether she worked as a prostitute in California.

20 **III. CONCLUSION**

21 For these reasons, the court GRANTS in part and DENIES in part
22 defendant's motion for reconsideration (Dkt. #170).

23 DATED this 6th day of June, 2016.

24 
25 The Honorable Richard A. Jones
26 United States District Judge